

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **January 22, 2002.**

MEMBERS PRESENT:

Legislator David Bishop - Chairman
Legislator Andrew Crecca
Legislator Ginny Fields
Legislator Jon Cooper

MEMBERS NOT PRESENT:

Legislator Michael Caracciolo - Vice-Chair

ALSO IN ATTENDANCE:

Paul Sabatino - Counsel to the Legislature
Chris Herr - Aide to Legislator Bishop
Barbara LoMoriello - Aide to Legislator Cooper
Lisa Keys - Aide to Legislator Caracciolo
Nicole DeAngelo - County Executive's Office/Intergovernmental Relations
Thomas Isles - Director/Suffolk County Planning Department
Jim Burke - Acting Director/Real Estate Division-Planning Department
Lauretta Fischer - Suffolk County Planning Department
Peter Scully - Commissioner/Suffolk County Parks Department
Denise Speizio - Suffolk County Parks Department
Janet Ioli - Deputy County Comptroller
John DeMico - Suffolk County Department of Audit & Control
Vito Minei - Suffolk County Department of Health Services
Ben Wright - Department of Public Works
Timothy Caufield - Peconic Land Trust
Melissa Spiro - Southold Land Preservation Department
Joshua Horton - Southold Town Supervisor
Michael Rothfeld - Newsday
Adrienne Esposito - Citizens Campaign for the Environment
Alpa Pandya - The Nature Conservancy
Stuart Lowrie - The Nature Conservancy

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

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(*The meeting was called to order at 2:38 P.M. *)

CHAIRMAN BISHOP:

Good afternoon. We will start the January 22nd meeting of the Environment, Land Acquisition and Planning Committee of the Suffolk County Legislature. Please rise for our Pledge of Allegiance to be led by the new supervisor of the Town of Southold, Supervisor Horton. You are leading us in the pledge.

MR. HORTON:

It is an honor not only as a Supervisor but as a military man.

Salutation

Legislator Fields is on her way, she'll be the fourth member of the committee. Legislator Caracciolo is our fifth member, I assume --

MS. KEYS:

He is not available.

CHAIRMAN BISHOP:

He's not available, so we'll have four today, four of five. I want to welcome our new member, members who are here, Legislator Crecca and

Legislator Cooper. Thank you for joining the committee, I'm sure you are going to find the work here interesting.

Why don't we begin with the three cards from the Town of Southold, you can come up together. That's the Supervisor, Timothy Caufield and Melissa Spiro. You're all on the same side of the issue? Yes? Okay, then come up as a panel, that's how we'll do it. Please, sit. Good afternoon. I assume you have a brief presentation you'd like to make?

MR. CAUFIELD:
Yes.

CHAIRMAN BISHOP:
Please.

MR. CAUFIELD:
Good afternoon. My name is Timothy Caufield, I'm Vice-President of the Peconic Land Trust. I am here with Supervisor Joshua Horton and Melissa Spiro from the Town of Southold to speak in support of Resolution, I think it's 1021, the acquisition of some parcels of land in the Dam Pond area in East Marion in the Town of Southold.

This is a conservation project really that has been under way for many years. Our involvement in the project goes all the way back to 1989 when the Town of Southold hired the Land Trust to work on some alternative conservation plans for this whole area which at that point in time was slated for full scale development. There was a 35 lot subdivision on the main part of the property and other portions of the property were very sensitive being immediately adjacent to Dam Pond. So from that effort, the trust was successful in working with private land owners to privately protect much of the interior acreage and over the course of really ten years there have been a number of private conservation easement gifts given to the Peconic Land Trust which has

been reducing the density of what would have been a major subdivision on interior portions of that property.

All of that work led most recently to two years ago when Suffolk County and the Town of Southold worked with the Land Trust to acquire the most significant portion of this conservation area which is the peninsula of the property, that's the most visible portion of the property and it's property that we acquired again in 1999. At that point in time, the County was hoping to purchase everything that was left, that was the four parcels on the peninsula and then the four parcels that are the subject of today's resolution, the other parcels leading to the access to these properties, and we were not successful in doing that.

Recently, though, we were able to acquire the property. What I've distributed is a three page memorandum, one is just a simple description of the project and the property, the second is an aerial view that shows you the different portions of the property, and the final piece of paper there is the map that indicates all of the rare and endangered species and significant conservation values on the property.

At this point in time, we -- the trust played the role that we played in the last acquisition which was preacquiring the property. So in November of this past year the trust acquired the property with the intent of reconveying to Suffolk County and the Town of Southold, just as we had done the first properties two years ago. And we did receive a grant, it's a restrictive grant from the Peter J. Sharp Foundation that was specifically for the purposes of setting up a revolving fund so that we can acquire properties that are threatened, that the Town and the County are interested in acquiring but for whatever reason we need more time to put the acquisition together.

That was the mechanism that we used in this case. Again, we acquired it in November of this past year. We do have a deadline, we do need to return those funds to the fund by no later than May of this year, so we are hoping to reconvey the interest and the property to the County and the town within -- hopefully by March of this year.

Again, this is really the last major acquisition of this area which is about a 150 acres total and it's, you know, really one of the gems of all the preservation areas in the Town of Southold. With that, I'd like to pass it to the Supervisor for some of his comments.

MR. HORTON:

Actually, I'd like Melissa to speak next, I'll speak last.

MS. SPIRO:

Certainly. Good afternoon. I'm Melissa Spiro, I'm the Land Preservation Coordinator for the Town of Southold. I'm here today really to just reiterate what Tim Caufield has said in regard to the property and to note that the Southold Town Board unanimously supports the acquisition of this parcel.

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The subject property is the last significant piece in regard to the preservation of the Dam Pond area. Subject property, together with the property that has already been preserved through the Town/County partnership has been on the town's priority list for many years, in addition to being on the New York State Open Space Plan and within the Peconic Maritime Reserve. We were fortunate that the town and County were able to purchase the peninsula parcels in 1999 and look forward to completing the project through the acquisition of today's subject parcel.

The Town Board held a public hearing in regard to the current acquisition in November, 2001 and unanimously adopted a resolution to acquire the parcel in partnership with the County. The town has an appraisal prepared by Given Associates which supports a \$950,000 land acquisition price. Thank you.

MR. HORTON:

Good afternoon. Joshua Young Horton, Supervisor of Southold Town. I just want to speak a little more broadly on that piece of property and what I perceive to be as the true thrust of partnerships not just on behalf of the Town of Southold and Suffolk County, but in turn in a broader spectrum, the partnership that exists right now between the County, Peconic Land Trust and Southold Town. And as well, we've brought the State into that by means of our Scenic Byways Program.

And we -- myself and the Town Planner have just put forth a grant proposal, or a grant request I should say, for somewhere in the neighborhood of \$2 million. And what that will do is that would -- that grant, if put through -- and it stands a very good chance, as I understand at this point, to be put through. In essence, the overall effect of that will be burying the power lines, that line, the causeway, and the causeway is the road that runs adjacent to Dam Pond in that area.

So in effect, what this is, this is an overall comprehensive plan to not only preserve for the, you know, open space and pristine -- ecological pristine areas of Long Island which, as we all know, are dwindling at a rapid pace, but as well it speaks to the embetterment of environment and quality of life not only for the residents of that area but as well, that's the gateway to New York State from the northeast corridor. I don't want to count the amount of cars that drive across that causeway and pass Dam Pond, that's an issue for another day. But at this point, I think it's just the ultimate positive step in the direction of a coalition of partnerships on behalf of the town, the State and Peconic Land Trust.

And to that notion, what I would like to say in closing is that Peconic Land Trust has worked so well with all the five towns on the east end and that they have actually come up with a program, developed a program and administered a grant of \$950,000 in order to ease the

burden of the town and the County so we can work out our contract and our negotiation to actually put forward such a bold and positive initiative. I would just like to extend the appreciation as well as the respect on behalf of the town, as well as I would hope the County, to move forward and, you know, come up with the money and get this deal closed, sealed so we can move on to more bolder initiatives.

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So on that note, I support one hundred percent this initiative.

CHAIRMAN BISHOP:

Supervisor or Ms. Spiro, is this a hundred percent County funded, this acquisition that you're asking for, or is this --

MR. HORTON:

No, this is -- May I? This is a split, 50/50.

CHAIRMAN BISHOP:

Fifty-fifty.

MR. HORTON:

So the town is -- we have come up with \$475,000 and the original negotiation was that the County would come up with the matching 475,000 and we would go and, you know, move ahead in this partnership.

CHAIRMAN BISHOP:

Okay. Because the measure before us calls for \$2 million.

LEG. CRECCA:

That was my concern, too, that's what I have in front of me.

CHAIRMAN BISHOP:

But I mean, obviously the sponsor can adjust that, but you can't have all that.

MR. HORTON:

That's what I meant to say.

CHAIRMAN BISHOP:

Which is the next question I have and then I'll let Legislator Crecca ask his question. In terms of your acquisition wish list for 2002, what other parcels does Southold seeking to partner with the County or have the County purchase outright; is it extensive, are there other parcels?

MR. HORTON:

I will let you answer that.

MS. SPIRO:

The two that come to the top of my head are around the Laurel Lake area there's a parcel, and perhaps two parcels that the town would be interested in purchasing in partnership with the County.

CHAIRMAN BISHOP:

Okay. That's it?

MR. HORTON:

That's correct, at this point.

CHAIRMAN BISHOP:

At this point; I'm sure you'll come back. Legislator Crecca?

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LEG. CRECCA:

The acquisition parcel that we're talking about, is that 21 acres? I don't know if I was reading it.

(*Legislator Fields entered the meeting at 2:50 P.M.*)

How many acres is it?

MR. HORTON:
The portion that's on the table right now?

LEG. CRECCA:
Yeah. I guess I'm a little confused. There's a large lot that we already have an easement on, or I should say --

MR. CAUFIELD:
If you look on the map, the third piece of paper there --

LEG. CRECCA:
Right, that's what I'm looking at --

MR. CAUFIELD:
-- there's three color-coded areas. The green area is the parcels that you have already acquired two years ago in partnership with the County. The yellow area is the area that we have private conservation easements on.

LEG. CRECCA:
Right, okay.

MR. CAUFIELD:
It's the red area is the area that is now the subject of the acquisition.

LEG. CRECCA:
And what's the total acreage on the --

MR. CAUFIELD:
The total acreage is 12 -- I have it listed here.

MS. SPIRO:
It's about 14, 14 to 15.

MR. CAUFIELD:
Fourteen to 15 acres. I put down plus or minus 17, I was incorrect on the beach front lots. It's -- about 2.66 acres is one lot, 12.33 acres is the bulk of the other lot, that's all in the red area you see on the map.

LEG. CRECCA:
Okay.

MR. CAUFIELD:
Then there are two small beach front lots that go along with it as well which are on the barrier beach, and you can see those on the

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aerial on page two, the aerial on the upper left hand corner of the photograph.

LEG. CRECCA:
So there are four owners of the property?

MR. CAUFIELD:
No, actually the two owners are Bernice -- the owners currently are the Peconic Land Trust, we have acquired all of these properties already.

LEG. CRECCA:
Okay.

MR. CAUFIELD:
The former owners in November were Bernice and Andrew {Lutiery}.

LEG. CRECCA:
Okay.

MR. CAUFIELD:
We preacquired it.

LEG. CRECCA:

So basically you're looking for four seven -- the total purchase price is 950?

MR. CAUFIELD:

Correct.

LEG. CRECCA:

And you're looking for 475,000 from the County.

MR. CAUFIELD:

Correct.

LEG. CRECCA:

I heard something earlier about a grant or other monies that you got from the State, or is that -- did I misunderstand?

MR. CAUFIELD:

The grant is the grant that the trust received simply for the -- it's a revolving fund grant, it's simply for the purpose of us being able to acquire properties that are threatened that either the town or the County may need more time to go through the process. So it's a revolving fund that we need to replenish so we can go acquire properties and then reconvey them to the town and/or the County so that we can replenish that fund. So that's just a revolving fund that needs to be replenish.

LEG. CRECCA:

Okay. I would -- a question for Counsel. The bill now reads two million, this is going to have to be amended before we can approve it, I would assume.

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MR. SABATINO:

I think we have to quantify the number. This was the request that was sent to my office, that's one of the things that the committee should look at is what the appraised values are.

LEG. CRECCA:

Do we have a copy of the appraisal or no?

MR. SABATINO:

I don't.

LEG. CRECCA:

Okay. Would you be able to make a copy --

MR. SABATINO:

But I see Mr. Isles nodding out in the audience.

CHAIRMAN BISHOP:

When they're done we're going to -- the Real Estate Division and the Planning Department are -- all right, Legislator Cooper or Legislator Fields, any questions? Okay. We'll bring up the County departments that are involved with this now and have dialogue with them. Thank you very much. Please stay because there might be more questions. Please stay here but not there.

Since we're on this purchase, we're just going to limit our remarks to this resolution. Has there been a County appraisal of this parcel?

MR. ISLES:

Yes, there has been.

CHAIRMAN BISHOP:

And that's not the one that came up with two million, right?

MR. BURKE:

No.

MR. ISLES:

No.

CHAIRMAN BISHOP:
Okay, that's a good sign.

MR. BURKE:
No, we don't know where that two million number came from.

CHAIRMAN BISHOP:
What is the Planning Department's ranking of this, your evaluation of this parcel?

MR. ISLES:
Do you want to know the number --

CHAIRMAN BISHOP:
As the Planning Department, yeah.
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MR. ISLES:
Okay. The appraised value came in as --

CHAIRMAN BISHOP:
No, no, not that. Your evaluation of the --

MR. ISLES:
Okay. The ranking of the parcel, we feel that this parcel is a very worth while acquisition by Suffolk County. I will point out that there was a previous resolution adopted by the Legislature doing the planning steps and an authorization to proceed with this investigation of an acquisition. The matter before you today in the Legislature is the actual appropriation of the money.

As stated by the representatives from the Town of Southold who can probably say it a lot better than I can, this is part of a much larger area in East Marion on the way out to Orient Point where there are over a hundred acres of preserved land. The aerial photograph that was handed out I think shows it very well in terms of having true environmental value, wetlands value and so forth. And very simply, in terms of the criteria of the statute under the new Quarter Percent Program for open space, there are five criteria and this does satisfy those criteria. So we think it is a very meritorious acquisition, especially in partnership with the town which is putting up a substantial amount of money into the deal as well.

CHAIRMAN BISHOP:
Jim, anything to add?

MR. BURKE:
As I said, we have had a prior purchase adjacent next door so obviously this is a piece that we'd like to see and the deal has been pretty much agreed upon with the town and the buyers and we're ready to move ahead.

CHAIRMAN BISHOP:
Now, let's speak about the fund that this is seeking to draw down from; what is the status of it as we start 2002?

MR. ISLES:
This is, of course, the new Quarter Percent Program that started December 1st of last year -- 2000, pardon me. The program at this point has only been expended for I believe two acquisition. The program is being discussed as a possible use of the Environmental Facilities Corporation for borrowing against future revenues from the program. But at this point in time, this program is the least used at this time. What we have been trying to do, with the cooperation of the committee and the Legislature up until now, is to expend out the old programs, the old Quarter Percent Program and so forth. As we're doing that, we're now stepping into the new program. So this program is currently funded.

And in terms of the amount for the specific acquisition, I'm not sure how the \$2 million came about but our estimate is probably in the

range of 500 to \$550,000 would be necessary for this in consideration of the acquisition cost in partnership with the Town of Southold and

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in consideration of other cost of appraisals and surveys and title work and so forth. But that's a number for you at this point.

CHAIRMAN BISHOP:

This fund recognized how much in 2001, less the two purchases; approximately.

MR. ISLES:

How much was spent?

CHAIRMAN BISHOP:

Well, how much was generated less how much was spent; what's the balance?

MR. ISLES:

In terms of how much was generated, I don't think we have that figure yet in terms of the final sales tax counting for last -- for 2001 at this point. But let me try to get you the closest number I can on that.

MR. BURKE:

It was estimated, Dave, that it was going to be about seven million to be brought in --

CHAIRMAN BISHOP:

Right.

MR. BURKE:

-- on it. As far as what was expended, we had a deal in Huntington for about one and a half, one point five million, and we had a deal in Brookhaven for about 700,000, so about a little over two million. So we have a substantial amount of money in this account right now. There's a number of resolutions that have been going through the funnel, so to speak.

CHAIRMAN BISHOP:

That was my next question.

LEG. CRECCA:

We approved one this morning for 150,000, I know it's significant -- out of this fund out of Finance which was for water protection. Well, it was water -- go ahead, I will let Paul answer. Am I right, Paul?

MR. SABATINO:

The \$150,000 was from the water quality component, not the land acquisition.

LEG. CRECCA:

I'm sorry, I apologize.

MR. SABATINO:

That's okay. But it was quarter percent money, you're absolutely right, it's a quarter percent money.

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CHAIRMAN BISHOP:

And they were secondary. Just making sure that our jurisdiction is not getting eroded.

LEG. CRECCA:

No, I just wanted to let you know. You were asking --

CHAIRMAN BISHOP:

Well, you didn't because you're secondary committee.

LEG. CRECCA:
All right, we didn't.

CHAIRMAN BISHOP:
I'm sorry. How much -- when we -- last year, towards the end of the year, this committee had extensive discussion with you and with ourselves about the process for prioritizing this program. Are there significant numbers of resolutions for planning steps that are seeking to ultimately draw down from this fund?

MR. ISLES:
At this point in time I would say no. Two other parcels -- Mr. Burke mentioned the two that were acquired which total about \$1.6 million last year. The two others that were approved include Spring Meadow Enterprises which is a pending acquisition, there's no contract on it, and the other was Ward Melville Heritage Organization which I believe is not going to happen. So we had allocated 4.4 million for those two and they're in question at this time. So in terms of planning steps or resolutions that have been approved, to my knowledge those are the ones at this point in time.

CHAIRMAN BISHOP:
And then I guess the final fiscal question is would this upset our EFC proposal? Are we counting on all those revenues from 2001 going towards paying the bonds? No.

MR. ISLES:
I don't think so because I think the amount we're talking about here is roughly half a million dollars. I don't -- I think that could easily be offset by Ward Melville Heritage, for example, which is 425,000, basically a wash almost on the existing accounts we have.

As far as EFC, obviously that's very important. I think the numbers that the Legislature used when they approved this \$62 million in October for that did include a cushion factor in there, so I don't think we're going to the bottom of the barrel on that one anyway.

CHAIRMAN BISHOP:
Plus theoretically we could use the EFC proceeds to fund this purchase, right?

MR. ISLES:
Sure. We could also flip this into that program and finance it that way.

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CHAIRMAN BISHOP:
Right.

MR. ISLES:
If the Legislature chose to do that.

CHAIRMAN BISHOP:
Legislator Fields, Crecca, Cooper, anything? Okay.

MR. ISLES:
The only other comment I'd like to make, Mr. Chairman, is that the Peconic Land Trust has done an excellent job on this and this has been a very complicated transaction and we appreciate that. There is a sensitivity to time and any other information you need that we can help to accelerate the time, we'd be happy to provide that to you.

CHAIRMAN BISHOP:
I suppose what we need is a copy of the appraisal for Counsel; right, is that correct, Paul?

MR. SABATINO:
Well, it's up to you in terms of the level of information that you want. But, you know, I think based on what happened in the past, that at least getting some representations on the record with regard to --

CHAIRMAN BISHOP:

Well, if not the actual appraisal, then I need, you know, a letter -- we need a letter from the department to our Counsel indicating how much is appropriate to draw down for this.

MR. ISLES:
Okay, I will do that. Sure.

CHAIRMAN BISHOP:
And what it's based on.

MR. BURKE:
Okay.

CHAIRMAN BISHOP:
All right? Thank you. Tom, you filled out a card so you can stay.

MR. ISLES:
Okay. Very briefly, what I would like to do is to provide the committee with an update on the activities of the Real Estate Review Panel. And this will only take a couple of moments and I appreciate your patience on this.

As you know, the County Executive had convened a panel in cooperation with the Presiding Officer in early December to examine the procedures and practices of the Real Estate Division in the acquisition of property and also on the sale of property. I just want to report back to you that the committee began meeting within a week of the appointment and designation by the County Executive, the first meeting was held on December 13th, and it's met weekly since then -- typically at Friday mornings at 7:30 in the County Attorney's Office -- through

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the holidays and thus far we've had six meetings averaging about two hours or two and a half hours per meeting. Members of the committee, as indicated, include the County Attorney as Chairman, Legislator Carpenter, Legislator Lindsay, Deputy County Executive George Gatta and myself. The committee has had 100 percent participation of all members, there have been no designees attending any of the meetings, the principals have been there. It has been highly productive and is on schedule to deliver recommendations back to the Legislature and the County Executive by mid February.

We look forward to the comments of the Legislature and the County Executive on this. We have tried to be as thorough as possible given a very limited amount of time. We understand the importance of this as we've seen today in terms of the best practices and procedures in terms of any Legislative oversight that will occur in acquisitions and our role in dealing with the Legislature and the County Executive on acquisitions.

So we know that this is important from a timing standpoint. We think it's a great opportunity to examine the operation from top to bottom. And if the committee has any questions, I'll do my best to answer those at this time. Thank you.

LEG. CRECCA:
I'm sorry. Just on the time frame of when you expect to have specific recommendations ready for us?

MR. ISLES:
February 15th at the latest.

LEG. CRECCA:
Is that going to be done in a formal report?

MR. ISLES:
It will be done in a written report to you and the County Executive.

LEG. CRECCA:
Very good. Okay, thanks.

CHAIRMAN BISHOP:

Okay. Why don't you stay. Commissioner Scully and Mr. Burke, if you want to come back, we'll go through any of these resolutions you wish to comment on on the agenda. Is there anybody else who wishes to address the committee, who filled out a card? No? Okay.

MS. MAHONEY:

Adrienne Esposito filled out a card.

CHAIRMAN BISHOP:

Oh, Adrienne, you filled out a card? I apologize. I think that you should -- we'll get to your resolution within 15 minutes if you want to -- I'm sorry. I'm going to let Ms. Esposito speak, I apologize.

MS. ESPOSITO:

Good afternoon, Legislators. Adrienne Esposito, Citizens Campaign for the Environment. I just wanted to come today to support -- or ask you

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to support actually Resolution 1070 which is the resolution put forth to reinstate the funding for the Peconic River Health and Environmental Assessment Study.

Some of you may remember voting on this legislation back in 1998, it was then vetoed by the County Executive. We worked very diligently with the County Executive to come to terms for it with new legislation which then did pass in March of 1999. The legislation established a Community Oversight Committee which included not only my organization but also included breast cancer activists, CALA, Peconic Baykeeper, the STAR Foundation, and they've all asked me to come here today and ask you also to support this resolution.

What the legislation required the Suffolk County Health Department, along with the Community Oversight Committee, to do three things; a Carmen's River study, split sample with BNL when they were doing their radiological testing in the Peconic River, and the third thing is to do a Peconic River Health Assessment. We did the split sampling, it was very successful, we're almost done with the Carmen's River Study, it should be out in about a month and you'll have that report. And the third thing is this Peconic River Health and Environmental Assessment. And we actually spent a very long time writing this health assessment. It is, in my opinion, one of the best health studies and environmental assessments that will be done on the east coast. We had been waiting last year for the County Attorney's Office to sign it which didn't happen til the end of the year and then, poof, the money was gone.

So what this resolution does is that it causes the last three years or -- actually yes, the last three years of work that the Health Department and the Community oversight Committee have been engaged in very diligently to actually come to fruition. And we'd like you to please support it today so we can get it on the agenda for the Legislature this month and get going with it. The consultant has been chosen and has been notified, everything is ready to go, this is the last, final step in the process.

CHAIRMAN BISHOP:

Okay, thank you. No questions, right? To the agenda. We'll take -- I'll make a motion to take 1021 out of order, that's the Dam Pond property in the Town of Southold.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

I'll make a motion -- motion to take it out of order having been seconded. All in favor? Opposed? 1021 is now before us.

1021-02 (P) Approving acquisition and appropriating 1/4 cent sales tax proceeds for pay-as-you-go Open Space Acquisition of Dam Pond Property, Town of Southold (Caracciolo).

I think that, Counsel, this is -- I mean, the sponsor needs to adjust

the resolution, he cannot do that, or can he do that, in time for the meeting on Tuesday?

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MR. SABATINO:

The deadline for corrected copies was last Friday, so it wouldn't be timely to do it today unless there was a Certificate of Necessity issue.

CHAIRMAN BISHOP:

Right, okay. So I'm going to make a motion to table. Our next meeting after Tuesday's meeting is when?

MR. SABATINO:

The week of February 4th, so your schedule -- you're on the Tuesday schedule, so whatever that Tuesday is.

CHAIRMAN BISHOP:

No, but -- I mean, the ultimate passage, if everything went well, would be --

MR. SABATINO:

The ultimate would be February 11th.

CHAIRMAN BISHOP:

February 11th. I don't know what the time sensitivity of this is that was spoken about, but if that is not sufficient then what I would urge the Town of Southold to do is to speak with the County Executive's Office and perhaps they can get a CN on it, a Certificate of Necessity, which would allow it to be voted on at our next meeting. However, a Certificate of Necessity requires a two-third vote of the Legislature as opposed to the normal process which only requires a simple majority of ten. So those are the options, there are no others unfortunately because the resolution is incorrect. So I will make a motion to table, it's seconded. All in favor? Opposed? It's tabled. You understand your options, right?

MR. HORTON:

Certainly. Thank you.

CHAIRMAN BISHOP:

Okay, thank you. Thanks for coming down Island as they say.

MR. HORTON:

It's safe to say up Island.

CHAIRMAN BISHOP:

Up Island. Go back down Island; go home.

INTRODUCTORY PRIME RESOLUTIONS

1001-01(P), the very first resolution of the new year, how exciting, and it's appropriating Greenways Infrastructure Improvements Fund Grant for Miller Place property in Town of Brookhaven (Haley). This is property that we acquired under the Greenways Fund. There's a capital fund that provides grants up to a hundred thousand dollars to convert Greenways acquisitions to active recreational sites; is this eligible for that?

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MR. SABATINO:

It's not eligible now only because the PAL commitment for its infrastructure financing hasn't been forthcoming, so it has to be tabled.

CHAIRMAN BISHOP:

Most of the Legislators here have had Greenways acquisition active recreation. When you have a site acquired by the County, what needs to occur in order to tap into the capital fund to provide the grant?

MR. SABATINO:

The participating organization, whether it's an organization or a municipality, has to provide a binding document -- in the case of a municipality it's a resolution, in the case of an organization it's an agreement and a resolution -- committing to whatever level of funding they're going to provide so that we can then calculate the 50% up to a hundred thousand dollar maximum share that the County will match. But in this case Legislator Haley understands, he is still trying to secure from PAL the requisite commitment, it hasn't been forthcoming.

CHAIRMAN BISHOP:

How exact does this document need to be? For example, municipality and County are going to partner to create a soccer fields park, and as a first step they want to remove an old building or something. Does the entire plan for the park construction have to be in place before the County will release its grant, or if there is a commitment by resolution from the town to spend at least \$200,000 on this park, is that enough to release the money?

MR. SABATINO:

Well, in a perfect world there really should be specificity because you can't create a situation in which you start a project and then it's left incomplete because there wasn't finality. I think we have learned to some degree from the first example which is the Mt. Sinai situation that if you don't get it all spelled out in excruciating detail, there's a tendency for other parties to, you know, let their obligations sort of slide by the way side. So my position would be explicit detail, totality, complete finality so that there's no question left open for anybody.

CHAIRMAN BISHOP:

Explicit detail, totality with complete finality, that's really eloquent. All right, motion to table by myself, second by Legislator Cooper. All in favor? Opposed? It's tabled until complete finality and totality is achieved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1002-02 (P) - Approving acquisition under Suffolk County Land preservation Partnership Program (Ridgehaven Estates) Town of Brookhaven (Haley). Is this eligible?

LEG. CRECCA:

We don't have a town resolution.

MR. SABATINO:

This needs the town board resolution.

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CHAIRMAN BISHOP:

Motion to table --

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

-- by myself, second by Legislator Crecca. All in favor? Opposed? Tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1003-02 (P) - Making a SEQRA determination in connection with the proposed replacement and rehabilitation of structures at Peconic Dunes County Park, Town of Southold (Presiding Officer Tonna). Lay it on me.

MR. SABATINO:

This will be at a determination that it's a Type II Action because it basically is an in-kind rehabilitation of a facility with less than 4,000 square feet.

CHAIRMAN BISHOP:

Now, does this require ontological certitude, or are we -- you know, can we just proceed?

MR. SABATINO:

This can be treated in seriatim.

CHAIRMAN BISHOP:

Okay. Motion to approve by myself, seconded by Legislator Crecca. All in favor? Opposed? Approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

LEG. CRECCA:

I didn't know this committee was so much fun.

CHAIRMAN BISHOP:

1004-02 (P) - Making a SEQRA determination in connection with the construction of Special Patrol Bureau, MacArthur Airport, Town of Islip (CP 3139) (Presiding Officer Tonna). Counsel?

MR. SABATINO:

This is also being treated as a Type II action because it's a non residential structure of less than 4,000 square feet and it's not changing the land use of the facility.

CHAIRMAN BISHOP:

Is this the hangar?

MR. SABATINO:

Yeah, for the Patrol Bureau for the helicopter.

CHAIRMAN BISHOP:

Getting information we're looking for is like what is it. Okay, all in favor? Opposed? 1004 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

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1005-02 (P) - Making a SEQRA determination in connection with the proposed reconstruction of CR 16 Portion Road from Ronkonkoma Avenue to Nicolls Road, Town of Brookhaven (CP 5511) Phase I (Presiding Officer Tonna).

MR. SABATINO:

This is reconstruction for traffic improvements and pedestrian safety purposes and it will be a Type I Action.

CHAIRMAN BISHOP:

Does the -- Department of Public Works, does this expand the road, does this widen the road or is it in its current footprint?

LEG. CRECCA:

It makes it wider. It's adding --

MR. SABATINO:

It's within the footprint. I mean, it's not --

LEG. CRECCA:

Yeah, it's not a major expansion but they are adding I believe sidewalks and some safety lanes, things like that. That's my recollection of the project last time I reviewed it with Public Works.

CHAIRMAN BISHOP:

Is there a motion?

LEG. CRECCA:

Motion to approve.

CHAIRMAN BISHOP:

Motion by Legislator Crecca. Is there a second?

LEG. COOPER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Cooper. All in favor? Opposed? 1005 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1006-02 (P) - Making a SEQRA determination in connection with the proposed drainage improvements to CR 67, Long Island Motor Parkway in the vicinity of CR 4, Commack, Town of Smithtown (CP 5176) (Presiding Officer Tonna).

LEG. CRECCA:
Motion to approve.

CHAIRMAN BISHOP:
Motion to approve by Legislator Crecca, second by myself. All in favor? Opposed? 1006 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1007-02 (P) - Making a SEQRA determination in connection with the proposed improvements to Sewer District No. 1, Village of Port Jefferson (Presiding Officer Tonna). Explanation, Counsel.

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MR. SABATINO:
These are actual physical improvements to the plant which include tanks being moved away from residential property and also it's to remove 80% of the nitrogen. This is being treated as an unlisted action.

CHAIRMAN BISHOP:
So this -- an unlisted action means what, what's the implication of the vote if we approve it?

MR. SABATINO:
Well, it's not going to get the additional level of scrutiny that you would see with an environmental impact statement and it also -- it provides for the opportunity to treat it as something that will not have a significant adverse effect on the environment because in this case it will have a positive effect.

CHAIRMAN BISHOP:
Is there a motion?

LEG. FIELDS:
Motion.

CHAIRMAN BISHOP:
Motion by Legislator Fields. Is there a second?

LEG. COOPER:
Second.

CHAIRMAN BISHOP:
Second by Legislator Cooper. All in favor? Opposed? List me as opposed, please. Approved, 3-1. (VOTE: 3-1-0-1 Opposed: Legislator Bishop - Not Present: Legislator Caracciolo).

1010-02 - Establishing Land Use Planning Policy for County land acquisitions (Caracciolo). Explanation.

MR. SABATINO:
This is the initiative of Legislator Caracciolo who wishes to have this Land Acquisition Committee first be made aware of any land use determination that may have been made by a village or a town which affects a piece of property that the County is contemplating for acquisition. And it would basically require that this committee be made aware of the appraisal, whether it was used as the basis for negotiating the acquisition with that land use decision as part of it, and then it would require a procedural motion by this committee to go forward with the information provided to it on the land use decision.

CHAIRMAN BISHOP:
How is that different from the resolution that I'm -- I have filed, I guess it's coming up in the next packet. They both did the same thing.

MR. SABATINO:

No, it's not the same. Yours is prohibiting the use of the appraisal.

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CHAIRMAN BISHOP:

Well, no. I -- I believe the distinction -- it's very similar. It's the same -- both resolutions are seeking to address the same problem which is when the local municipality, be it the town or the village, acts in a discretionary way that raises the value of the property after the County has said we want to purchase it, after we've authorized the purchase of it, which harms -- ultimately harms the taxpayer. His calls for information, I think mine calls for out right prohibition.

MR. SABATINO:

Right, that's what I said, yours is a prohibition. Legislator Caracciolo's says give us the information, let us know that there, in fact, was a land use decision, let us know it affected the appraiser, have the appraisal explain what was the basis for that determination. And then only if this committee, in a separate, individual vote on that issue of using the appraisal with the land use determination could it possibly go forward.

LEG. CRECCA:

My question is on these bills, yours and Legislator Caracciolo's, should -- it might not be a bad idea to wait since we have a report coming --

CHAIRMAN BISHOP:

Right.

LEG. CRECCA:

-- in a couple of weeks, so we can really make one concerted effort.

CHAIRMAN BISHOP:

Plus I'm not sure what's in the coming packet. I know I have one or two, two resolutions, there might be others. So I think it would be wise for the committee to wait to see the full panoply of proposals and then we can have a whole meeting dedicated to what reforms, if any, we want to take in that process.

LEG. CRECCA:

Was that panoply?

CHAIRMAN BISHOP:

Panoply.

LEG. CRECCA:

Panoply, I'm sorry. I have to look that one up. I will make a motion to table 1010.

LEG. COOPER:

Second the motion.

CHAIRMAN BISHOP:

Motion to table by Legislator Crecca having been seconded by Legislator Cooper. All in favor? Opposed? It's tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

Now I've lost my spot.

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LEG. CRECCA:

1021 we already did.

CHAIRMAN BISHOP:

Okay, 1021 we already did. 1010 is tabled, 1021 we already did.

1022-02 (P) - Establishing truth and honesty policy for County land acquisition and disposition appraisals (Fields).

LEG. CRECCA:

I will --

CHAIRMAN BISHOP:

Again, we'll table this until we have a meeting where we discuss them all. Motion to table by myself, second by Legislator Fields. All in favor? Opposed? 1022 is tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1024-02 (P) - Authorizing the acquisition of development rights to farmlands by the County of Suffolk of Gibbs Property at Calverton, Town of Riverhead (Pay-as-you-Go 1/4% Cent Taxpayer Protection Program) (Caracciolo). Fellas?

MR. ISLES:

This parcel was recommended by the Farmland Select Committee in 1996. The Department of Real Estate has been working diligently to negotiate this acquisition. It is a farm along the west side of Edward's Avenue in the Town of Riverhead in Calverton. I will tell you that there are significant issues as far as we're concerned with evaluation and we've been working extensively on that.

The proposal would be to use a part of the quarter percent money under farmland, which I think would be the first time we'd be doing that which is fine. Although the parcel was recommended in 1996, I will point out to you that there have been some recent reviews by the Farmland Select Committee in this area, it's an industrial area of Riverhead that had been declined. So the thought has gone through my head that if they had seen this now would they have continued to support it, but nonetheless they did in 1996. So summarizing that the issue we primarily have at this point, since we do have an authorization from Farm Committee, is the dollar issue. And at this point we are not in a point to make an acquisition for an recommendation of acquisition.

CHAIRMAN BISHOP:

Commissioner, this -- I was just checking with Counsel and he confirms it. This program is the hundred percent County funded program.

MR. ISLES:

Right.

CHAIRMAN BISHOP:

Am I to assume that the Town of Riverhead does not share Legislator Caracciolo's enthusiasm or even the Farmland Select Committee's enthusiasm of this parcel; they don't want to partner on this one?

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MR. ISLES:

They don't want to partner on this one. I can't speak for their enthusiasm as to -- and I am not trying to be facetious or anything like that.

CHAIRMAN BISHOP:

I was inferring their enthusiasm which was implied in their action. Legislator Crecca?

LEG. CRECCA:

No. Actually, you sort of hit the nail on the head. I was going to make a motion to table it pending further information. I mean, I don't know, it sounds like we don't know if we're ready to do this yet, from what I'm hearing from Planning, in the sense of a dollar amount. I'm sorry, Legislator Fields?

LEG. FIELDS:

Just exactly what information is it that we're looking for? If we were to table this, what information would we be looking for and when would we get that information?

MR. ISLES:

Well, I can tell you the information we're looking for and that is we've requested an appraisal report, we got one that seemed to be totally in error, it was way above what we felt the market value was.

We then had an appraisal review conducted. There was then a second appraisal report done, there was an appraisal review done of that and the numbers are all over the place on this one. So it just causes me a lot of concern at this point.

LEG. FIELDS:

You made a motion to table?

LEG. CRECCA:

Yeah, you know --

LEG. FIELDS:

Did you?

LEG. CRECCA:

Yeah, I made a motion to table but --

LEG. FIELDS:

Second.

LEG. CRECCA:

-- I'm going to change it to a motion to table subject to call. I mean, you're not anticipating anything in the next month or two, are you?

MR. ISLES:

Possibly we could --

LEG. CRECCA:

All right, so then I'll just keep it to a motion to table then.

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LEG. FIELDS:

I will second the motion.

CHAIRMAN BISHOP:

Yeah, that's fine. Legislator Cooper, did you want to say something?

LEG. COOPER:

I was just wondering at what point could we ask the Farmland Select Committee to take a fresh look at a parcel like this? I mean, five years have elapsed.

CHAIRMAN BISHOP:

Legislator Caracciolo is going to flip out when he hears about this since they already went through the process, but it's probably the correct thing to do.

MR. ISLES:

I've had discussions with Legislator Caracciolo on this, too, so he's aware of our issues with the acquisition at this point.

CHAIRMAN BISHOP:

All right. Well, obviously there's not the votes here to pass it without that fresh look, so it's going to have to go through it.

LEG. CRECCA:

Who would request that, Planning?

CHAIRMAN BISHOP:

We just did.

MR. ISLES:

We could do that.

LEG. CRECCA:

Okay.

MR. ISLES:

They meet four times a year and we could request that.

CHAIRMAN BISHOP:

Motion to table subject to call is what I'm making because I think that it's going to have to go through a process, obviously it can come back when it's ready. Table subject to call by myself, second by: Legislator Crecca. All in favor? Opposed? 1024 is tabled subject to call and we hope to have it back when it's ready (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1025-02 (P) - Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst (Town of Babylon) (Bishop). 1025 is in my district, I'll make a motion to table, it requires an EAF, SEQRA. Motion to table by myself, second by Legislator Fields. All in favor? Opposed? 1025 is tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

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1027-02 (P) - Authorizing New York State Clean Water Revolving Fund Application and agreement for project financing under 1/4 Land Acquisition Program (Bishop). 1027 similarly is not ready, so I'll make a motion to table, second by Legislator Fields. All in favor? Opposed? 1027 is tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1030-02 (P) - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land preservation Program (Hertlin Property in Ronkonkoma) (Town of Brookhaven) (Caracappa).

MR. ISLES:
Okay, this is -- sorry.

CHAIRMAN BISHOP:
Is this the one that was released?

LEG. FIELDS:
That's the point that I wanted to bring up. In the Parks Trustees meetings you present, your department presents a color aerial shot or a map --

MR. ISLES:
Right.

LEG. FIELDS:
-- of all the properties. Might I ask that this committee be provided those same tools for looking -- for us to see where it is located and just a little bit better idea of the property?

MR. ISLES:
At the time of the planning steps?

LEG. FIELDS:
Whenever it comes before the committee, whenever any property comes before the committee. You know, to look at this now, I'm remembering a piece of property that Legislator Caracappa put in a while ago and it was rated zero, and now I'm thinking is this the same piece? Because I can't really see where it is and I don't have --

MR. ISLES:
Right, there were several that day.

LEG. FIELDS:
So could we ask that you provide this committee with those same tools?

MR. ISLES:
Sure, we'll do that. It's going to take a little time to gear up but we'll get it to you.

LEG. FIELDS:
Okay, thank you.

CHAIRMAN BISHOP:
I'm going to make a motion to recall 1027 which I mistakenly thought

was a wetland in my district, it's not, it's the formal application to

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the State on the Environmental Revolving Fund Program. Motion to reconsider by myself, second by Legislator Crecca. All in favor? Opposed? 1027 is now before us.

1027 is the formal filing of an application to start the process of securing financing under the Clean Water State Revolving Fund Act to trigger borrowing with the County designated person under the -- with the Environmental Facilities Corporation. This is the \$62 million fund --

LEG. FIELDS:

Cosponsor this one.

CHAIRMAN BISHOP:

-- to be paid back through the Quarter Cent Fund. We've been through a lot with this, it's now ready for the formal process. Motion by Legislator Fields, second by Legislator Crecca. All in favor? Opposed? 1027 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

All right, back to 1030. This is the parcel I take it that got a zero ranking, is that the one?

MR. ISLES:

No, I don't think it was. I think that was the parcel directly on Portion Road that was -- the first one to come along was proposed to be a mini storage warehouse which I think was disapproved by the town, there was a lot of controversy with the parcel and it was ranked and it came out as a zero. Following that, Legislator Caracappa came in with more of an overall plan for acquisitions along the Portion Road/Lake Ronkonkoma area. There was a presentation made by Legislator Caracappa as well as the Planning Department at the Parks Trustees meeting where it was explained more thematically in terms of remaining pockets of open space left in this drainage basin essentially of Lake Ronkonkoma. Based upon that -- so rather than looking at a single parcel, looking at a collection of parcels and a string and network of parks within the Portion Road corridor. Based upon that, the Parks Trustees did recommend this acquisition.

LEG. FIELDS:

Is this contiguous to any good property?

MR. ISLES:

There's no County property, there is a -- I believe there is a parcel to the property to the south that is in --

LEG. FIELDS:

You know what? I would like to make a motion to table until we have the ability to see where these parcels are. Because when that presentation was made, even though it was made as a string and a network of property, I did not agree at all that it was worthy of acquisition, and there are, I believe, other parcels of land that are much, much more important to the County than some of these were. So again, until we're able to see a map of where this is and what it is adjacent to, I would ask to table it.

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CHAIRMAN BISHOP:

Is there a problem coming up with these maps?

MR. ISLES:

It's obviously work and time and money and all that, but obviously if the committee feels that that's helpful we will obviously do that.

LEG. CRECCA:

But this particular acquisition here -- excuse me, I'm sorry, Mr. Chairman.

CHAIRMAN BISHOP:

Go ahead, no.

LEG. CRECCA:

-- was recommended by a majority of the Park Board of Trustees?

MR. ISLES:

Yes.

LEG. CRECCA:

And this is only for planning steps, correct, it's got to come back to us for approval on the site pending obviously, you know -- I mean, I would make a motion to approve its planning steps, apparently a majority of the board thought this was an appropriate parcel. And again, you know, it's not like it's an actual acquisition, it's planning steps.

CHAIRMAN BISHOP:

I'm going to support the motion to table but only for one meeting and I'm going to ask my aide Chris to let Legislator Caracappa know that it's going to be considered at the next meeting and that he should be here to make a presentation. And we'll also have the information from planning at that time. So is that okay? All right. Motion to table by Legislator Fields, second by myself. All in favor? Opposed? All right, it's tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1031-02 (P) - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land preservation Program (Property adjacent to Goldsmith Inlet Park) (Town of Southold) (Caraciolo). Well, we asked the Town Supervisor if he had any others and he didn't name this one

COMMISSIONER SCULLY:

I can shed a little light, Mr. Chairman, if it would be helpful.

CHAIRMAN BISHOP:

Sure.

COMMISSIONER SCULLY:

This is a very small acre, one acre parcel, it's to the east of County Holdings at Goldsmith Inlet. It was brought to our attention by Peconic Land Trust who had a discussion with adjacent private property owners. The situation is somewhat unique in that those adjacent property owners who have an interest in seeing the property preserved have offered to contribute a substantial sum of money towards the acquisition. It's a unique situation. I don't know if anybody from

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the Peconic Land Trust is still here; no, they're not. But I am familiar with the parcel because of those circumstances.

CHAIRMAN BISHOP:

Let me try to flesh out a couple of things. First of all, I see the sponsor's aide is here. Why on this program are the multifaceted and the other one is under the quarter cent that we considered earlier, 1021; does anybody have a theory on that?

MR. ISLES:

Why it's under two programs?

CHAIRMAN BISHOP:

Yeah, why are there -- why does he choose one program for one acquisition and the other for the other; is there a significant criteria difference?

MR. BURKE:

There's also -- Dave, you can see on 1032 he includes this property under quarter percent.

CHAIRMAN BISHOP:

Oh, okay, I'm sorry. Well, let's just answer that question in general for the future since we're going to be dealing with the two programs throughout the year. What's the distinction between the quarter cent pay-as-you-go and the multifaceted? The multifaceted is more flexible,

correct?

MR. ISLES:

Yeah, multifaceted is capital. And what originally began as defined programs for the Capital Budget for farmland, for open space, for parkland and so forth, was then blended into one program. My understanding is that requirements or the criteria would still go back to the original programs, if it's a partnership and so forth we'd follow that. The quarter percent in this particular case under open space does have five criteria in the statute, it would have to meet at least one of those to qualify for acquisition. So in a sense, I think the quarter percent is a little bit more tightly defined or restricted criteria to it, my understanding of it.

CHAIRMAN BISHOP:

I had two questions, one is of Counsel. If you have a new program called the multifaceted, you don't have to reauthorize it or create authorizing legislation and laying out criteria, you just flow back to the programs that were combined to create this new one?

MR. SABATINO:

Okay. Multifaceted encompasses seven outstanding programs that we have, so all of the traditional criteria that would apply for land preservation partnership, open space, the farmland preservation, would be applicable. The only wrinkle is that with regard to the active parkland component, an additional criterion was written into the legislation which says that any acquisition contemplated I think it's over \$50,000. In addition to all of the other things you have to get from the participating entity, you also have to get a Parks Department and Legislative Office of Budget Review joint analysis as to the

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financial viability of that entity choosing to participate. With that one exception, the other programs you just -- you use the preexisting criteria which is set forth in the various laws.

CHAIRMAN BISHOP:

Now, where -- so therefore there was some sort of authorizing legislation.

MR. SABATINO:

Absolutely.

CHAIRMAN BISHOP:

Which was what? Which was a separate piece, it has a resolution number?

MR. SABATINO:

Right, it's all laid out, I believe it's even referenced in the resolution; it's Resolution 459 of 2001, that's where the criteria are laid out.

CHAIRMAN BISHOP:

Okay, thank you. All right. So going back to these, to 1031 and 1032, are you recommending approval and under which program if you are?

MR. ISLES:

Go ahead.

COMMISSIONER SCULLY:

I can't recommend which program but I know that both the Parks Department, because of our adjacent holdings, and the Planning Department strongly support the acquisition of the program. I'd leave it to the Planning Division, Real Estate Division, to tell us which program would be most appropriate.

MR. ISLES:

Yeah, I think here it could probably qualify under both. It would appear most likely that multifaceted would be best from the standpoint that it would be joined with the County park and extending a County park and used for park purposes and not so much for drinking water protection purposes. So it would seem that would be best, although

here again, it qualifies, it seems to me under both programs.

CHAIRMAN BISHOP:

Just for the committee, we had a lot of momentum on this towards the end of last year where we were insisting that we have Legislator Fisher and Legislator Fields be a part, that we have some sort of process to prioritize all these acquisitions that are going to come in and not to continue on to do them piece meal because then we draw down from the program and there's more worthy opportunities later on that we cannot pursue. This is just planning steps which is a good point. So what's the committee's wish?

LEG. CRECCA:

My question is on which -- when we're talking about which program, as far as from a monetary point of view. I think -- what is there, like 13 million in the multifaceted?

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MR. ISLES:

Uh-huh.

LEG. CRECCA:

And what is there in the Quarter Percent Drinking Water Protection Program? Is that the one we were talking about before, about seven million?

MR. ISLES:

Exactly.

LEG. CRECCA:

Which I know is a guess at this point, a guesstimate.

MR. ISLES:

And we've spent about one and a half million, 1.6 million last year. So that program is relatively unspent at this point. There are two approved resolutions, one for Spring Meadow and one for Ward Melville Heritage Organization, I'm not sure where they're going to go.

LEG. CRECCA:

On the appropriations bill, I mean, that would come later, assuming that we want to move forward on this acquisition, could we switch programs then even though the planning steps were done under one program or another?

MR. ISLES:

I don't believe we can.

LEG. CRECCA:

Well, I'll ask Counsel that question.

MR. SABATINO:

I don't recommend that for two reasons. One, the Chairman and you have just outlined which is you have to go get a handle on how you're prioritizing. And also, from an auditing/tracking/bookkeeping standpoint, it makes it really difficult when you start to flip flop back and forth between programs because when somebody is looking at it retrospectively, whether it's a year from now or two years from now, you're trying to account for all of the money, it's extremely difficult to flow back and forth. So I think you lose the integrity of the programs when you move back and forth, except under extraordinary, exceptional circumstances.

The other point just to make real quickly is that Commissioner Isles made a good point before which is that the Open Space Program on the quarter percent is a tighter, more stringent standard than under multifaceted. So what you're going to have to do as a committee and as a Legislature I think in assessing these programs is try to figure out the mix and match of money to programs. Because for example, you've got the ability now to borrow up to the \$41 million under Open Space Quarter Percent so, you know, you've got a pot of 41 million versus 13 million. So the ones that -- the ones that only meet the tighter criteria, you don't want to exhaust all of your money in that

open space component because you went to the more flexible program with ones that only would qualify --

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CHAIRMAN BISHOP:

So if it meets the criteria for the more restrictive we should use it is what you're saying. Right, okay. Does it meet the criteria for the stricter program, the quarter cent?

MR. ISLES:

Yes.

CHAIRMAN BISHOP:

Okay. And you recommend it.

MR. ISLES:

We certainly recommend the acquisition, it's a very good one.

CHAIRMAN BISHOP:

And do we have an appraisal?

MR. ISLES:

Yeah, this is just the beginning process.

CHAIRMAN BISHOP:

Oh, right, this is the planning steps. Forgive me, we went through that a minute ago. Okay, is there a motion?

LEG. CRECCA:

I will make a motion to table 1031 because I'm going to make a motion to --

CHAIRMAN BISHOP:

Table 1031?

LEG. CRECCA:

Yeah.

CHAIRMAN BISHOP:

Second. All in favor? Opposed?

LEG. CRECCA:

Actually, can we tabled that subject to call?

CHAIRMAN BISHOP:

1031, motion to table subject to call by Legislator Crecca, second by myself. All in favor? Opposed? 1031 is tabled subject to call (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1032-02 (P) - Authorizing planning steps for acquisition of land under Pay-as-you-Go 1/4 Cent Taxpayer Protection Program (Property adjacent to Goldsmith Inlet Park) (Town of Southold) (Caraciolo).

LEG. CRECCA:

I'll make a motion to approve 1032.

LEG. FIELDS:

Second.

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CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca, second by Legislator Fields. All in favor? Opposed? 1032 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1034. Can I verbally withdraw this resolution? This is accepting donation from the Oak Beach Inn Corp which was the flag pole and some statues.

MR. SABATINO:

The sponsor can on the record, just the Clerk's Office should so

note --

CHAIRMAN BISHOP:

I'm withdrawing -- the corporation donated the property to the Bay Shore Aquarium.

1036-02 (P) - Directing the County Comptroller to conduct an audit of the Real Estate Division in the County Planning Department (Fields). This is another reform measure which we will do at the next meeting.

LEG. FIELDS:

Wait a minute. I think this is -- yes, it's another reform, but it's very different from all of the other ones that --

CHAIRMAN BISHOP:

And it doesn't have a process.

LEG. FIELDS:

-- have been coming forward. In the past, a number of years ago there were audits in the same department and apparently they were very fruitful in helping the department. And we do have some people here from Auditing, so I wondered if maybe they could tell us a little bit about the process and what it would do for us and how it might be different from all the other ones that we have been talking about. And maybe if Commissioner Isles could stay up there because I would like to ask you a couple of things, too. Thanks.

LEG. CRECCA:

Legislator Fields, just for your information, too. In Finance, which is secondary on this, we tabled it just for one meeting. I violated the rule. It wasn't me, it was Jonathan Cooper's cell phone.

MS. IOLI:

I'm Janet Ioli from the Department of Audit and Control.

LEG. FIELDS:

You have to talk closer.

MS. IOLI:

Janet Ioli, the Deputy County Comptroller. This is John DeMico, he's the Executive Director of Auditing in our -- in the Auditing Division. Perhaps -- can you address the -- I personally am not aware of any of the findings of the previous audits. I don't -- you know, I was not here at the time, I don't believe.

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MR. DeMICO:

The last audits that were conducted were I believe probably about ten years or more ago, so I don't know how relevant it is to the present. You know, it's probably a good time to go in and do another audit. I saw the draft of the resolution and don't really have a problem with it. It appears that you're looking for transactions to be audited having to do with land acquisitions, the sales, etcetera.

LEG. FIELDS:

I think the purpose of this was to allow the department to move forward with the work that they have to do and the work that they have done so well, but that this allows us to look at some of the procedures, analyze them and then come up with recommendations on how things could be improved or assisted in some way. Commissioner, do you have any feelings about this?

MR. ISLES:

I have no objection to the audit. I think one thing I said last month is that whatever it takes to restore public confidence in the program I would support. We would welcome the assistance of the Comptroller's Office in that. There would be some mechanical things we'd have to work out with space and time and things like that in terms of accommodating them in our office and so forth, but conceptually I have no objection to that proposal.

LEG. FIELDS:

Do you have the manpower in your department to do this?

MS. IOLI:
Yeah.

MR. DeMICO:
We have manpower, the problem is flexibility with, you know, current assignments under way. If you could build in some flexibility as far as deadline, it would be helpful, so that I can transition people to that assignment.

LEG. CRECCA:
That was one of the concerns that came up in the earlier committee, too, that Budget Review brought up. Was that it might be somewhat constraining and in order to meet the deadline set forth in here, they would have to put off other projects. Because I did ask about the same question Legislator Fields is asking about the manpower question. So I don't know if -- that was one of the reasons we were tabling it one cycle. And also, we were trying to define what the actual parameters, a little bit of the audit were, but I think Counsel sort of described what the intention of the legislation was. But I think if that's something the sponsor would be willing -- since we have a short cycle -- to do is just extend the time that they have to complete the audit. My understanding from Budget Review was that it was a very comprehensive audit.

CHAIRMAN BISHOP:
We flow through deadlines all the time.

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LEG. FIELDS:
I would prefer having it done starting as soon as we can because we did, you know, go through some problems and I think that public perception really needs to be changed and I think that this would help us get to that point.

CHAIRMAN BISHOP:
What I don't understand, and I don't understand it because I don't have a background in accounting, explain to me what the audit would entail in brief. In other words, you go into a department like Real Estate and you look at all the past transactions or you look at where the money is, what the status of funds are? What does it involve?

MR. DeMICO:
It involves researching laws and regulations that oversee the mission of the department, oversees transactions that they conduct, it entails doing samples of transactions and testing for compliance with those laws and regulations, it involves speaking to various people with, you know, responsible assignments within the department having to do with conducting the transactions, how the transactions are conducted, who authorizes them, who reviews them, who approves them, that type of thing.

CHAIRMAN BISHOP:
Can you give me --

MR. DeMICO:
And all that has to be documented.

CHAIRMAN BISHOP:
Can you give me an example from another department of a system that an audit found was deficient? Just so I have some sense of what -- a real life example of what you're saying.

MR. DeMICO:
Of deficiencies in departments?

CHAIRMAN BISHOP:
Yeah.

MR. DeMICO:
Well, we conduct audits every year of the forfeiture programs and

special services programs, and with law enforcement departments often there are deficiencies there.

LEG. FIELDS:

You did one of Worker's Compensation about a year ago also, did you not?

MR. DeMICO:

No, we didn't. It was done by an outside consultant.

LEG. FIELDS:

Did you do the Treasurer's Office?

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MR. DeMICO:

We have recently been doing some work at the Treasurer's Office having to do with Long Island Convention and Visitor's Bureau.

CHAIRMAN BISHOP:

Typically it's the department -- using the seizure as an example or Long Island Visitors and Convention, I'm vaguely familiar with those, it's the agency, department, bureaucracy is not -- you want to say something, you want to cut me off? You're eager to --

MR. SABATINO:

(Inaudible).

CHAIRMAN BISHOP:

Is engaging in transactions that they're not authorized to do; is that a typical problem?

MR. DeMICO:

There really aren't typical problems. You know --

MS. IOLI:

A deficiency might be, simply speaking, somebody doing deposits in a department is also doing a bank reconciliation.

CHAIRMAN BISHOP:

Right, not proper controls, right?

MS. IOLI:

That can be considered a deficiency.

MR. POLLERT:

Or if they don't have proper seizure, that type of thing.

CHAIRMAN BISHOP:

And every department is not audited in this manner on a regular basis?

MR. DeMICO:

The County is subject to an annual audit.

CHAIRMAN BISHOP:

Right.

MR. DeMICO:

So, I mean, there is a significant amount of auditing that goes on. We have an audit program in the Comptroller's Office that encompasses a three year plan, and within that plan we look at departments, we look at contract agencies. Much of the work we do having to do with departments entails looking at revenue. Because the expenditure side of transactions within the County are fairly regimented as far as entry into the system and oversight, you know, so it's mostly the revenue area where there's actually handling of cash and remittances where the vulnerability is.

CHAIRMAN BISHOP:

And following the much publicized allegations that have been made, there was no request from the Comptroller himself or the County

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Executive to get into the Real Estate Division and conduct an audit?
This is new, this requires legislation, that wasn't already planned?

LEG. FIELDS:

I actually spoke to Joe Caputo before I put this legislation in, he was very happy to comply with it but suggested that I put in a resolution to make it formal.

CHAIRMAN BISHOP:

What would it take for Joe Caputo to say, "Hey, I better get in there and take a look"? That's rhetorical, you don't have to answer that. Or am I missing it, he needs a resolution in order to take a look?

MR. POLLERT:

No. Part of the difficulty is that the County Audit Committee approves an audit schedule which goes out for three years. So there is some discretion within the audit schedule, but there is confidential audit schedule of which agencies, which contract agencies are anticipated to be audited over the next three years. What this would do would be to do a Legislative resolution to move them to the top, much like the Long Island Visitors and Tourism Bureau where there was a Legislative resolution to request the County Comptroller to do an audit, that just dropped that agency into the beginning of the queue.

CHAIRMAN BISHOP:

But if it's a three year plan and they haven't been done in ten years, how does that happen?

MR. POLLERT:

That's not particularly unusual. As the Department of Audit and Control indicated, they are mostly concerned with revenues coming in. So for instance, departments such as the Parks Department might have regular audits, but if they're not a large amount of revenues coming in there's no real reason to do a detailed audit because it's assumed that most departments are following standard County operating processes and procedures and the Comptroller's Office does get a double sign-off prior to paying vouchers and bills. Both the vendor has to sign-off on it as well as the department having once processed the payment.

CHAIRMAN BISHOP:

Yeah. But again, is the goal to get into every department and conduct an audit within three years? Is that the way -- is that what I am to understand a three year plan to be?

MR. DeMICO:

That's not the goal.

CHAIRMAN BISHOP:

Okay.

MR. DeMICO:

The goal is to assess the risks in the County on a regular basis and to address it with a three year plan.

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CHAIRMAN BISHOP:

I have to say, I'm surprised that we don't go into every department on a regular basis.

MS. IOLI:

That requires staff.

CHAIRMAN BISHOP:

Right, okay. I understand. You have a motion, I assume?

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

I'll second the motion. All in favor? Opposed? Motion is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo). Thank you very

much for coming down.

Now at the top of the audit list, it's remarkable that it requires legislation.

1055-02 (P) - Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Act Parklands (Property in Ridge, Town of Brookhaven) (Haley).

MR. SABATINO:

Okay, this is not eligible because we still need participating resolutions from the organizations involved.

CHAIRMAN BISHOP:

Oh, this is an active -- okay.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Okay, so it's like a second Greenways. Motion to table by Legislator Fields, second by myself. 1055 is tabled (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1070-02 (P) - Amending the 2002 Operating Budget and approving funds from Fund 477 to the Department of Health Services for Peconic River Study (County Executive).

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

We are secondary I assume?

MR. SABATINO:

You're prime.

CHAIRMAN BISHOP:

Amending the Operating Budget is now a function of this committee?

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MR. SABATINO:

No, because the -- this is money being taken from the Quarter Percent Fund, the thing we talked about before. You have prime jurisdiction over the quarter percent component that deals with water quality, land acquisition or farmland, the sewers and the tax stabilization component are primary in Finance.

CHAIRMAN BISHOP:

Okay. Now this study is to be conducted by the Department of Health?

MR. SABATINO:

What happened was this was actually authorized and fully funded in the Omnibus Resolution from not this last cycle but the cycle before and it was all laid out with the RFP Committee and the details of the deadlines and when the study was going to take place. The funding was in the Omnibus but apparently all of the paperwork didn't get done in time to use the money in the year 2001, so now it's my understanding that the quarter percent money is being used to replace that money that otherwise would have been there because now they're ready to go forward with the study.

CHAIRMAN BISHOP:

Right, which raises my concern which is that should -- does this set a precedent that we're going to use the quarter cent fund to subsidize the Operating Budget, which would be my concern?

MR. SABATINO:

Well, I mean, there's two ways to look at it. Obviously there's disappointment that the money that you put into the Omnibus didn't materialize in a timely fashion.

CHAIRMAN BISHOP:

Well, then it should be moved to the Capital, that's what we do when money is not spent in a timely fashion.

MR. SABATINO:

That's not cost effective because now you're going to capitalize an operating expense, that's not a pay-as-you-go.

CHAIRMAN BISHOP:

No, you're not capitalizing because you're taking the money that you've already taxed the public for in the Operating Budget that's not expended in that year and you're just preserving it by moving it to the Capital Fund. That's what we've done on numerous programs. My concern is that the Quarter Cent Fund is to be used by the departments to not bolster what they are doing but rather replace operating funds to go forward with what they were already planning on doing. So that's what I'm looking to guard against.

LEG. CRECCA:

May I?

CHAIRMAN BISHOP:

Sure.

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LEG. CRECCA:

Just this particular -- you know, it's appropriate I think to fund it out of this -- out of Fund 477, it is for water protection, it is specifically a water protection study. It's \$150,000, it's something that we've decided as a Legislature that we wanted to go forward with. You know, I really think that this is an appropriate use of that fund. And I understand your point, Legislator Bishop, but, you know, I think in this particular case, this is a good way to handle this. It has no fiscal impact on taxpayers and, therefore, I really would urge us to approve this.

CHAIRMAN BISHOP:

How is the money specifically being spent? Is it to pay for staff that already exists, is it --

MS. IOLI:

No, this is --

MR. SABATINO:

It's going to be Cash and Associates who's been awarded the contract through an RFP process, it's going to go to the consultant.

CHAIRMAN BISHOP:

Okay. Motion to approve by Legislator Crecca, I will second it. All in favor? Opposed? 1070 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

1071-02 P) - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Peconic River Properties) (Town of Southampton)(Guldi).

LEG. CRECCA:

Is this one eligible?

MR. SABATINO:

This is going to tap into the Land Preservation Partnership component of multifaceted. So after the planning steps are completed, the town is going to have to commit to a 50% share at a later date.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Cooper. All in favor? Opposed? It's approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

That concludes our agenda. Is there any other business --

LEG. FIELDS:

There is a Sense Resolution.

CHAIRMAN BISHOP:

There is a sense resolution, excuse me.

MEMORIALIZING SENSE RESOLUTIONS

Sense 2-2002 - Memorializing Sense Resolution requesting the State of New York to establish "Marine and Coastal District" distinctive

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license plate program (Fields). Motion by Legislator Fields, second by myself. All in favor? Opposed? Sense 2 is approved (VOTE: 4-0-0-1 Not Present: Legislator Caracciolo).

That concludes our agenda. Is there any other business to be brought before this committee? Hearing none, motion to adjourn by myself, second by Legislator Crecca. All in favor? Opposed? We stand adjourned.

(*The meeting was adjourned at 3:58 P.M.*)

Legislator David Bishop, Chairman
Environment, Land Acquisition &
Planning Committee

{ } - Denotes Spelled Phonetically

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